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## ***Public Utilities Commission of the State of California***

*William Ahern, Executive Director*

### Headquarters

505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2782

### Southern California Office

320 West 4<sup>th</sup> Street, Suite 500  
Los Angeles, CA 90013  
(213) 576-7000

Website: <http://www.cpuc.ca.gov>

Calendar Archive: [http://www.cpuc.ca.gov/daily\\_calendar\\_archive/](http://www.cpuc.ca.gov/daily_calendar_archive/)

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### **Daily Calendar Wednesday, May 5, 2004**

- Commission Meetings
- Notices
- Subscription Information (Daily Calendar and Agenda)
- Commissioner Office Hours
- Public Meetings and Workshops
- Notice of Draft Resolutions (PU Code § 311(g))
- New Filings
- Petitions for Modification and Applications for Rehearing
- Draft Decisions/Proposed Decisions/Alternates/Presiding Officer's Decisions/ Arbitrator's Reports
- Advice Letter Filings
- Miscellaneous Transportation Items
- Miscellaneous Telecommunication Matters
- Adjournments/Resettings/Hearings Concluded
- Removals from Calendar
- New Settings
- Law and Motion Hearings
- Final Oral Argument
- Hearings
- Notice of Denial of Request for Ex Parte Meeting
- Notice of All-Party Meetings (PU Code §1701.3(c))
- Notice of Ex Parte Communications



**The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities.**

The CPUC encourages all Californians to participate in its meetings, hearings, workshops, and proceedings. We try to hold our public meetings only in places that are wheelchair accessible and which can accommodate specialized equipment and other services useful to people with disabilities. Please see the notice of the meeting you wish to attend for more specifics.

If you plan to attend and need specialized accommodations for a particular meeting that are not listed in the notice, request them from the Public Advisor's Office at least three business days in advance of the meeting. Contact the Public Advisor's Office by any one of the following:

E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)  
toll-free: 1-866-849-8390  
Voice: 415-703-2074

FAX: 415-355-5404 (Attn.: Public Advisor)  
TTY: 1-866-836-7825 (toll-free)  
1-415-703-5282

**REGULAR COMMISSION BUSINESS MEETINGS**

May 6, 2004	10 am	San Francisco
May 27, 2004	10 am	San Francisco
June 9, 2004	10 am	San Francisco

**COMMISSION RATESETTING DELIBERATIVE MEETINGS  
(Not Open to the Public)**

*Ratesetting Deliberative Meeting dates are reserved as noted but will only be held if there are ratesetting matters to be considered.*

May 24, 2004	1:30 pm	San Francisco
June 7, 2004	1:30 pm	San Francisco
July 2, 2004	1:30 pm	San Francisco

**OTHER COMMISSION MEETINGS**

**NONE**

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**NOTICES****Delivery of Formal Pleadings for Filing**

Unless otherwise directed, all courier-delivered documents submitted for filing as part of the formal record in a proceeding should be hand-carried directly to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue in San Francisco; Suite 500, 320 West 4<sup>th</sup> Street in Los Angeles; or Room 4006, 1350 Front Street in San Diego. All documents sent through the mail for formal filing should be addressed ONLY to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue, San Francisco, CA 94102.

**Charge for Commission Documents**

To purchase Commission documents, there is a charge of 20 cents a printed page (postage prepaid) with a minimum purchase of \$2.00.

**Commission Resources Available for Rental**

The auditorium, hearing rooms and training room at the headquarters of the California Public Utilities Commission, located at 505 Van Ness Avenue, San Francisco, are available for rent. Further information about requirements and fees can be obtained by contacting Colette Kondo at (415) 703-1401.

**SUBSCRIPTION INFORMATION****Subscription to Daily Calendar, Commission Meeting Agenda, and Draft Agenda Items**

For information contact: California Public Utilities Commission  
Attention: Poly Arca  
505 Van Ness Avenue, Room 1003  
San Francisco, CA 94102  
Phone: (415) 703-1798  
E-mail: pol@cpuc.ca.gov

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**COMMISSIONER OFFICE HOURS**

NONE

**PUBLIC MEETING & WORKSHOPS****Workshop Notice - Resource Adequacy Workshops (R01-10-024) (REVISED – 4/23/04)**

May 5, 2004  
10 am - 5pm  
Commission Auditorium

California Public Utilities Commission  
505 Van Ness Avenue  
(Corner of Van Ness Avenue and Golden Gate)  
San Francisco

This workshop will address resource adequacy issues as agreed upon at prior workshops. The May 5 workshop will focus on deliverability issues. Contact: Michelle Cooke, Administrative Law Judge, at (415) 703-2637 or mlc@cpuc.ca.gov.

**Public Meeting Notice – Deaf and Disabled Telecommunications Program**

Deaf and Disabled Telecommunications Program  
CRS 2 Workgroup  
May 5, 2004  
11:30 pm – 3:30 pm

DDTP Office  
505 14<sup>th</sup> Street, Suite 400  
Oakland

**PUBLIC MEETING AGENDA**

1 Welcome, 2. Proposed Roles and Responsibilities, A. CPUC – Program administration and oversight, B. CCAF – Provide operational advice, C. Mission Consulting – Implementation Project Management & Coordination; Facilitation of CRS-II meetings and deliverables to meet Vendor deadlines; and Centralized Communications between Vendors, CPUC, CCAF and Workgroup participants as required, D. Workgroup – Provide advice and feedback on matters related to consumer issues, including a defined group of responsibilities, as provided in the examples listed in the attached “Workgroup Task” list; Lunch Break, 3. Call to Order, 4. Public Input, 5. Further Discussion Regarding CRS-II Workgroup – Tasks and Responsibilities, A. Discussion of tasks, priorities, issues, and timeframes, B. Discussion regarding activities of multiple specialty “subgroups” of two, and C. Other Workgroup organizational issues.

**Meeting Information:** For more information, please contact Jane Elin, DDTP Committee Coordinator at (510) 302-1100 x110 voice or (510) 302-1118 TTY.

**Environmental Notice:** People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

**Public Workshop Notice – RPS Least Cost Best Fit Workshop**

May 10, 2004  
10 am – 5 pm

and

May 11, 2004  
10 am – 5 pm

California Public Utilities Commission  
505 Van Ness Avenue, Hearing Room A  
(Corner of Van Ness Avenue and Golden Gate)  
San Francisco

Parties in the Renewable Portfolio Standard (RPS) rulemaking (R04-04-026) will be discussing the refinement and implementation of the Least Cost – Best Fit (LCBF) methodology presented in D03-06-071. Representatives from the California Wind Energy Collaborative will present results of the study “California Renewable Portfolio Standard Renewable Generation Integration Cost Analysis,” prepared for the CEC and CPUC, which may be incorporated into the LCBF bid ranking process. A detailed agenda will be posted to the service list in advance of the workshop.

Contact: Dan Adler at (415) 355-5586 or dpa@cpuc.ca.gov with any questions.

**Public Meeting Notice – Deaf and Disabled Telecommunications Program**

Equipment Program Advisory Committee  
(EPAC)  
May 13, 2004

Deaf & Disabled Telecommunications Program Offices  
505 14th Street, Suite 400  
Conference Room

10 am – 4 pm

**Oakland**

The EPAC of the Deaf and Disabled Telecommunications Program will hold a meeting to address the following:  
Public Meeting Agenda

I. Agenda Modification and Approval, II. CCAF Staff Reports, A. Consumer Affairs Report, B. Customer Contact Report, C. Field Operations Report, D. Marketing Report, E. Outreach Report, F. CRS Report, III. Administrative Business, A. Report from the Chair, B. Review of Action List Items, C. Review of Minutes from the April 8 meeting, IV. CPUC Liaison Report, V. Public Input, VI. Equipment Program Manager's Report, VII. Equipment Update, VIII. Legislation, Rulings and Decisions Pertaining to the DDTP, IX. Expanding Program Technology, X. Pay Phone Accessibility, XI. Clarity/Ameriphone Equipment Issues, XII. Public Service Announcement Presentation, XIII. Guidelines for Addition and Updating Equipment, XIV. Discussion on Status of Deaf/Blind Community Seat, XV. Presentation by Freedom Scientific, XVI. Other Business, A. Member Reports, B. Requests for invention, C. Suggested items for next month's agenda D. Future meetings

**Meeting Information:** For more information, please contact Jane Elin, DDTP Committee Coordinator at (510) 302-1100 x110 voice or (510) 302-1118 TTY.

**Environmental Notice:** People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

**Workshop Notice Modification of the Rate Case Plan for Class A Water Utility General Rate Applications**

August 25, 2004  
10 am – 4 pm

August 26, 2004  
9 am – 4 pm

September 14, 2004  
10 am – 4 pm

September 29, 2004  
10 am – 4 pm

September 30, 2004  
9 am – 4 pm

October 20, 2004  
10 am – 4 pm

October 21, 2004  
9 am – 4 pm

California Public Utilities Commission  
505 Van Ness Avenue, Hearing Room 3104  
(Corner of Van Ness Avenue and Golden Gate)  
**San Francisco**

The Water Division is hosting a continuation Workshop August 25 and 26, 2004; September 14, 29, and 30, 2004; and October 20 and 21, 2004, to solicit public input on the need for modification of the Rate Case Plan for Class A Water Utility General Rate Applications (Commission Decision 90-08-045).

The purpose of the workshop is two fold:

To identify the least controversial issues in the Draft Proposed Rate Case Plan for Class A Water Utility General Rate Applications prepared by the Water Division and;

To discuss the necessary components of an interim rate case plan schedule for year 2004.

For your information, the Draft Proposed Rate Case Plan for Class A Water Utility General Rate Applications can be found on the Commission website at <http://www.cpuc.ca.gov>. (Go to the "Regulated Areas," select "Water" and scroll down to "Helpful Links".)

Questions regarding the workshop should be addressed to Peter Liu of the Water Division at (415) 703-1390 ([ptl@cpuc.ca.gov](mailto:ptl@cpuc.ca.gov)).

**NOTICE OF DRAFT RESOLUTIONS  
(Pursuant to PU Code § 311(g))**

NONE

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**NEW FILINGS**

5/3/04      **A04-05-001** – Angel Express, Inc., for authority to operate a passenger stage corporation between points in San Francisco, Alameda, Contra Costa, Santa Clara, San Mateo and Marin Counties and the San Francisco, Oakland and San Jose International Airports and to establish a Zone of Rate Freedom; (2600 San Leandro Boulevard, #513, San Leandro, CA 94578; (510) 351-9842)

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**PETITIONS FOR MODIFICATION AND APPLICATIONS FOR REHEARING**

NONE

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**DRAFT DECISIONS \* PROPOSED DECISIONS \* ALTERNATES \* PRESIDING OFFICER'S DECISION \* ARBITRATOR'S REPORTS**

5/04/04      **A02-09-030** – Application of the California-American Water Co. (U210W) for an Order Authorizing it to Increase its rates for water Service in its Sacramento District to Increase Revenues by \$8,198,700 in the Year 2003; and \$1,955,000 in the Year 2004; **Alternate Proposed Decision of Commissioner Kennedy**

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**ADVICE LETTER FILINGS**

To inquire about a filing, call the Energy Division (703-1093), Telecommunications Division (703-1330) or Water Division (703-2028).

To protest a filing, mail the original letter/telegram to the Chief of the appropriate division (i.e., "Chief, [Energy, Telecommunications or Water] Division"), to be received no later than 20 days after the date the Advice Letter was filed.

"Effective TBD" means that the date is to be determined by further Commission action. A date listed as "anticipated effective" may be subject to change. An Advice Letter Supplement is not a new filing, and there is no protest period unless indicated.

04/28/03	Telecom 1117	XO CALIFORNIA, INC., CHCF-A, CHCF-B, ULTS surcharges ( <b>effective TBD</b> )
04/20/04	Telecom 14	AMERICATEL CORP., Revise tariff to show elimination of fictitious name, add new rate plans; update statement of mandatory surcharges. ( <b>effective TBD</b> )
04/22/04	Telecom 932	SUREWEST TELEPHONE, Annual sharable earnings ( <b>effective TBD</b> )
04/22/04	Telecom 247	TIME WARNER TELECOM OF CALIFORNIA, L.P., Contract ( <b>effective TBD</b> )
04/26/04	Telecom 52	PAETEC COMMUNICATIONS, INC, New language added. ( <b>effective TBD</b> )

04/26/04	Telecom 189	SOUTHWESTERN BELL COMMS SVCS., INC., Grandfather select Business Plans ( <b>effective TBD</b> )
04/26/04	Telecom 190	SOUTHWESTERN BELL COMMS SVCS., INC., Contract ( <b>effective TBD</b> )
04/26/04	Telecom 191	US TELEPACIFIC CORPORATION, To add a new promotion, limit the number of channels in a Flex T-1 Line Bundle and eliminate one data bandwidth option. ( <b>effective TBD</b> )
04/27/04	Telecom 2924	AT&T COMMUNICATIONS OF CALIFORNIA, INC, Interconnection Agreement - Amendment # 9 ( <b>effective TBD</b> )
04/29/04	Telecom 24885	PACIFIC BELL, Express contract ( <b>effective TBD</b> )
04/29/04	Telecom 24886	PACIFIC BELL, Express contract ( <b>effective TBD</b> )
04/29/04	Telecom 24887	PACIFIC BELL, Express contract ( <b>effective TBD</b> )
04/29/04	Telecom 24888	PACIFIC BELL, Express contract ( <b>effective TBD</b> )
04/29/04	Telecom 24889	PACIFIC BELL, Express contract ( <b>effective TBD</b> )
04/29/04	Telecom 24890	PACIFIC BELL, Express contract ( <b>effective TBD</b> )
04/29/04	Telecom 24895	PACIFIC BELL, Amendment No. 11 with Pacific Centrex Services, Inc. ( <b>effective TBD</b> )
04/29/04	Telecom 24897	PACIFIC BELL, Amendment No. 2 with Pajocom, LLC ( <b>effective TBD</b> )
04/29/04	Telecom 24898	PACIFIC BELL, Amendment No. 1 with Adir International Export Ltd. d/b/a La Curacao ( <b>effective TBD</b> )
04/29/04	Telecom 934	SUREWEST TELEPHONE, Express contract ( <b>effective TBD</b> )
04/30/04	Telecom 24902	PACIFIC BELL, Special Access, GigaMAN, minor tariff change ( <b>effective TBD</b> )
04/30/04	Telecom 935	SUREWEST TELEPHONE, Add Monitoring of Telephone Conversations to Schedule A2. ( <b>effective TBD</b> )
04/30/04	Telecom 10639-A	VERIZON CALIFORNIA, INC., <b>Supplements A.L.No.10639</b> , Revised Annual Earnings Report 1996-2001 ( <b>effective TBD</b> )
04/30/04	Telecom 10849	VERIZON CALIFORNIA, INC., Interconnection agreement Paxio Inc. ( <b>effective TBD</b> )
04/30/04	Telecom 10850	VERIZON CALIFORNIA, INC., Interconnection Agreement - Amendment - Paxio, Inc. ( <b>effective TBD</b> )
04/30/04	Water 45	ROGINA WATER COMPANY, INC., Offset increase in Consumer Price Index for 2003. ( <b>effective TBD</b> )
04/30/04	Water 1151-W	SOUTHERN CALIFORNIA WATER COMPANY, [Los Osos District] Request review of its balancing-type memorandum accounts (purchased

water). **(effective TBD)**

04/30/04	Water 1152-W	SOUTHERN CALIFORNIA WATER COMPANY, [Los Osos District] To impose a surcharge to recover the undercollection of supply-related costs (purchased power) recorded in the Balancing-type memorandum accounts. <b>(effective TBD)</b>
04/30/04	Water 1153-W	SOUTHERN CALIFORNIA WATER COMPANY, [Arden-Cordova District] To impose a temporary surcharge to recover undercollection of supply-related costs (purchased power) recorded in the balancing-type memorandum account for November 29, 2001 to December 31, 2002. <b>(effective TBD)</b>
05/03/04	Telecom 24903	PACIFIC BELL, Express contract <b>(effective TBD)</b>
05/03/04	Telecom 24904	PACIFIC BELL, Express contract <b>(effective TBD)</b>
05/03/04	Telecom 24905	PACIFIC BELL, Express contract <b>(effective TBD)</b>
05/03/04	Water 4	LEWISTON VALLEY WATER CO., INC., To increase its rates in compliance with Resolution W-4466, dated April 22, 2004. <b>(anticipated effective 05/08/04)</b>
05/03/04	Water 1154-W	SOUTHERN CALIFORNIA WATER COMPANY, [Ojai District] To review the balancing-type memo accounts (purchased power and purchased water) from November 29, 2001 to December 2002 and transfer the undercollected balance to the corresponding Supply Cost Balance Account. <b>(effective TBD)</b>
05/03/04	Water 1155-W	SOUTHERN CALIFORNIA WATER COMPANY, [Ojai District] To review the balancing-type memo accounts (purchased power and purchased water) from January 2003 to December 2003. <b>(anticipated effective )</b>
05/03/04	Water 1156-W	SOUTHERN CALIFORNIA WATER COMPANY, [Arden-Cordova District] To impose a temporary surcharge to the water quantity rates to recover the undercollection of supply-related costs recorded in the balancing account for 2003. <b>(effective TBD)</b>
05/03/04	Water 1157-W	SOUTHERN CALIFORNIA WATER COMPANY, [Region II Customer Service Area] To review the balancing-type memorandum accounts for calendar years 2001 and 2002. <b>(effective TBD)</b>
05/03/04	Water 1158-W	SOUTHERN CALIFORNIA WATER COMPANY, [Region II Customer Service Area] To review its balancing-type memorandum accounts (purchased water, purchased power, and pump taxes) for calendar year 2003. <b>(effective TBD)</b>
05/03/04	Water 1159-W	SOUTHERN CALIFORNIA WATER COMPANY, [Simi Valley] To impose a surcredit to refund the net overcollection of supply-related costs recorded in balancing accounts for the period of November 29, 2001 through December 31, 2002. <b>(effective TBD)</b>
05/03/04	Water 1160-W	SOUTHERN CALIFORNIA WATER COMPANY, [Simi Valley Customer Service Area] To review the balancing-type memo accounts (purchased power and purchased water) for the period January 2003 to December 2003. <b>(effective TBD)</b>

05/03/04	Water 1161-W	SOUTHERN CALIFORNIA WATER COMPANY, [Clearlake District] To impose a surcredit to refund the net overcollection of supply-related costs in the balancing-type memorandum accounts. ( <b>anticipated effective</b> )
05/03/04	Water 1162-W	SOUTHERN CALIFORNIA WATER COMPANY, [Clearlake District] To impose a temporary surcharge to quantity rates to recover undercollection of supply-related costs in balancing-type memorandum accounts. ( <b>effective TBD</b> )
05/03/04	Water 1163-W	SOUTHERN CALIFORNIA WATER COMPANY, [Santa Maria District] To impose a surcredit to refund the net overcollection in supply-related costs recorded in balancing-type memorandum accounts of November 29, 2001 through December 31, 2002. ( <b>effective TBD</b> )
05/03/04	Water 1164-W	SOUTHERN CALIFORNIA WATER COMPANY, [Santa Maria District] To impose a surcredit to refund the net overcollectionof supply-related costs recorded in balancing-type memorandum accounts for January 1, 2003 through December 31, 2003. ( <b>effective TBD</b> )
05/03/04	Water 1165-W	SOUTHERN CALIFORNIA WATER COMPANY, [Bay Point District] To impose a surcredit to refund the net overcollectionof supply-related costs recroded in balancing-type memorandum accounts for the period of November 29, 2001 through December 31, 2002. ( <b>effective TBD</b> )
05/04/04	Telecom 937	SUREWEST TELEPHONE, Express contract ( <b>effective TBD</b> )
05/04/04	Telecom 939	SUREWEST TELEPHONE, Addendum to Express contract ( <b>effective TBD</b> )
05/04/04	Water 97	ALCO WATER SERVICE, [Salinas Division] To recover DHS' water testing costs through a one-time surcharge of \$8.08 to be collected over a period of two months at the rate of \$4.04 per customer per month. ( <b>effective TBD</b> )
05/04/04	Water 98	ALCO WATER SERVICE, [Moss Landing and Normco Districts] To recover water quality expenses for Year 2003 through a one-time surcharge of \$8.08 to be collected over a period of two months at the rate of \$4.04 per customer per month. ( <b>effective TBD</b> )
05/04/04	Water 1166-W	SOUTHERN CALIFORNIA WATER COMPANY, [Bay Point Customer Service Area] Request view of its balancing-type memorandum accounts (purchased water and purchased power). ( <b>effective TBD</b> )
05/04/04	Water 54	TORO WATER SERVICE, INC., Offset increase in the Consumer Price Index for 2003. ( <b>effective TBD</b> )



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**ADVICE LETTER SUSPENSIONS (Pursuant to M-4801, 04/19/01)**

To inquire about a suspension, call the Energy Division (703-1093), Telecommunications Division (703-1330) or Water Division (703-2028).

**NONE**

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**ADVICE LETTER PROTESTS**

To inquire about a protest, call the Energy Division (703-1093), Telecommunications Division (703-1330) or Water Division (703-2028). To obtain a copy of the protest, please direct your request to the protestor.

04/30/04	Telecom 2912	AT&T COMMUNICATIONS OF CALIFORNIA, INC, AT&T files this advice letter pursuant to Decision 96-10-066 Protest by SBC California.
04/30/04	Telecom 2913	AT&T COMMUNICATIONS OF CALIFORNIA, INC, AT&T files this advice letter pursuant to Decision 96-10-066 Protest by SBC California.

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**MISCELLANEOUS TRANSPORTATION ITEMS  
Filings with Consumer Protection and Safety Division**

**NONE**

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**MISCELLANEOUS TELECOMMUNICATION MATTERS**

**NONE**

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**TABLE OF SUBMISSION DATES FOR THE PRECEDING TWO WEEKS**

**NONE**

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**ADJOURNMENTS \* RESETTINGS \* HEARINGS CONCLUDED**

- 5/4/04**      **A.02-11-017 (FOA)** - Application of Pacific Gas and Electric Company for Authority, Among Other Things, To Increase Revenue Requirements for Electric and Gas Service and to Increase Rates and Charges for Gas Service Effective on January 1, 2003. (U 39 M), and  
**I.03-01-012** - Investigation on the Commission's Own Motion Into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company, and  
**A.02-09-005** - Application of Pacific Gas and Electric Company Pursuant to Resolution E-3770 for Reimbursement of Costs Associated with Delay in Implementation of PG&E's New Customer Information System Caused by the 2002 20/20 Customer Rebate Program. (U 39 E),  
**Final Oral argument held and concluded**
- 5/4/04**      **A.99-04-048 (PHC)** - Application of Pacific Gas and Electric Company (U 39 M) for an Order Under Section 851 of the California Public Utilities Code to Sell and Convey Certain Limited Sole-Customer Public Utility Facilities, (U 39 M),  
**Prehearing Conference held and concluded**
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**REMOVALS FROM CALENDAR**

NONE

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**NEW SETTINGS**

- 5/25/04**      **A.03-03-043 (PPH)** - In the Matter of the Application of SOUTHERN CALIFORNIA EDISON  
2:00 p.m. &      COMPANY (U 338-E) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and  
6:00 p.m.      200 kV: Viejo System Project,  
ALJ Malcolm      **Mission Viejo City Hall Council Chamber, 200 Civic Center, Mission Viejo, CA**  
Comr Kennedy
- 6/16/04**      **I.04-02-008 (TELEPHONIC - PHC)** - In the Matter of the Order Instituting Investigation on the  
11:00 a.m.      Commission's Own Motion, Notice of Opportunity for To Be Heard, and Order to Show Cause  
ALJ Econome      Regarding the Operations and Practices of Arnold Ray Baeza, an Individual Doing Business as Best  
Comr Brown      Movers,  
                         **Commission Room 5113, San Francisco**
- 6/23/04**      **I.04-02-008 (EH)** - In the Matter of the Order Instituting Investigation on the Commission's Own  
11:00 a.m.      Motion, Notice of Opportunity for To Be Heard, and Order to Show Cause Regarding the Operations and  
ALJ Econome      Practices of Arnold Ray Baeza, an Individual Doing Business as Best Movers,  
Comr Brown      **Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**
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**LAW AND MOTION**

Law and Motion Hearings are held before Administrative Law Judges Sarah R. Thomas and John E. Thorson at 10:00 a.m. in one of the Commission's San Francisco Office Hearing Rooms, unless otherwise noted. Law and Motion procedures are governed by Resolution ALJ 164. Copies of Resolution ALJ 164 are available from the Commission's Documents Desk (415) 703-1713 or from Central Files (415) 703-2045.

**5/10/04**      NONE SCHEDULED  
10:00 a.m.

**5/17/04**      NONE SCHEDULED  
10:00 a.m.

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**FINAL ORAL ARGUMENTS (FOA)**

NONE

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**HEARINGS**

Dates in parentheses following the word “also” are subject to change without notice. The assigned Commissioner’s name is listed next to the proceedings as matter of record; the assigned Commissioner may not be present at the hearing.

*(PHC) = Prehearing Conference*  
*(EH) = Evidentiary Hearing*  
*(PPH) = Public Participation Hearing*  
*(IAM) = Initial Arbitration Meeting*  
*(M) = Mediation*

*(ECP) = Expedited Complaint Procedure*  
*(OSC) = Order to Show Cause*  
*(WS) = Workshop*  
*(FPH) = Full Panel Hearing*  
*(AH) = Arbitration Hearing*

*(CA) = Closing Argument*  
*(LM) = Law & Motion*  
*(OA) = Oral Argument*

- 5/5/04**  
 10:00 a.m.  
 ALJ Allen &  
 ALJ Halligan  
 Comr Peevey  
**R.04-04-026 (PHC)** - Order Instituting Rulemaking to Implement the California Renewables Portfolio Standard Program,  
**Commission Courtroom, San Francisco**
- 5/7/04**  
 10:00 a.m.  
 ALJ Mattson  
 Comr Wood  
**A.00-07-013 (PHC)** - Application of Pacific Gas and Electric Company for Review and Recovery of Costs Recorded in the Electric Restructuring Costs Account (ERCA) for 1999 and Forecast for 2000 and 2001. (U 39 E),  
**Commission Courtroom, San Francisco**
- 5/7/04**  
 1:30 p.m. -  
 3:30 p.m.  
 ALJ Thorson  
 Comr Brown  
**I.03-10-038 (PHC)** - Investigation on the Commission's Own Motion into the Operations and Practices of the Conlin-Strawberry Water Co. Inc. (U-177-W), and its Owner/Operator, Danny T. Conlin; Notice of Opportunity for Hearing; and Order to Show Cause Why the Commission Should Not Petition the Superior Court for a Receiver to Assume Possession and Operation of the Conlin-Strawberry Water Co. Inc. pursuant to the California Public Utilities Code Section 855,  
**Commission Courtroom, San Francisco**
- 5/10/04**  
 9:00 a.m. -  
 12:00 p.m. and  
 1:30 p.m. -  
 3:00 p.m.  
 ALJ Thorson  
 Comr Brown  
**I. 03-10-038 (EH)** - Investigation on the Commission's Own Motion into the Operations and Practices of the Conlin-Strawberry Water Co. Inc. (U-177-W), and its Owner/Operator, Danny T. Conlin; Notice of Opportunity for Hearing; and Order to Show Cause Why the Commission Should Not Petition the Superior Court for a Receiver to Assume Possession and Operation of the Conlin-Strawberry Water Co. Inc. pursuant to the California Public Utilities Code Section 855,  
**Commission Courtroom, San Francisco**  
**(also May 11 – 14)**
- 5/10/04**  
 4:00 p.m. &  
 7:00 p.m.  
 ALJ Malcolm  
 Comr Lynch  
**A.02-07-022 (PPH)** - Application of San Diego Gas & Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Miguel – Mission 230kV #2 Project,  
**Santee City Hall Council Chamber – Building 2, 10601 Magnolia Avenue, Santee, CA**  
**Also:**  
**5/11/04, 4:00 p.m., Spring Valley Branch Library – Community Room, 836 Kempton Street, Spring Valley, CA**  
**5/11/04, 7:00 p.m., El Cajon Community Center – East Room, 195 East Douglas Avenue, El Cajon, CA**

- 5/11/04**  
10:00 a.m.  
ALJ Walwyn  
Comr Brown  
**A.04-03-021 (PHC)** - Application of Pacific Gas and Electric Company Proposing Cost of Service and Rates for Gas Transmission and Storage Services for 2005 and Backbone Level Service and Rates Starting January 1, 2005, as Required by Commission Decision 03-12-061,  
**Commission Courtroom, San Francisco**
- 5/11/04**  
1:30 p.m.  
ALJ Walwyn  
Comr Wood  
**I.04-03-016 (PHC)** - Investigation on the Commission's own motion into the operations and practices of Miko Telephone Communications, Inc. and its sole owner and President Margaret Currie, to determine whether it has violated the laws, rules and regulations governing: 1) payment of surcharges to the Commission, 2) authorized operation in California, 3) providing accurate information to the Commission and 4) the manner in which California consumers are switched from one long distance carrier to another,  
**Commission Courtroom, San Francisco**
- 5/12/04**  
1:00 p.m.  
ALJ Patrick  
**C.04-04-015 (ECP)** - David A.J. Mack, Complainant, vs. Pacific Gas and Electric Company, Defendant,  
**Lou's Junction Restaurant, Conference Room, 3333 North Texas Street, Fairfield, CA**
- 5/14/04**  
11:00 a.m.  
ALJ Econome  
Comr Wood  
**C.04-03-025 (PHC)** - City of San Diego, a Charter City, The Redevelopment Agency of the City of San Diego, a public entity, and Padres, L.P., a limited partnership, Complainants, vs. San Diego Gas & Electric Company, a California Public Utility, Defendant,  
**San Diego State Building, 1350 Front Street, Room B-102, San Diego, CA**
- 5/17/04**  
12:00 noon  
ALJ Barnett  
**C.04-04-021 (ECP)** - Cristina Berumen, Complainant, vs. Cingular Wireless, Defendant,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**
- 5/18/04**  
10:00 a.m.  
ALJ Walker  
Comr Wood  
**A.04-01-024 (EH)** - In the Matter of the Application of F. Patrick Flynn & Joyce H. Flynn to sell 100% of the Outstanding Stock of Mesa Crest Water Company (U-333-W) to California-Michigan Land and Water Company, which operates a Water System in Los Angeles County, pursuant to Public Utilities Code Sections 851 through 854,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**
- 5/18/04**  
10:00 a.m.  
ALJ O'Donnell  
Comr Brown  
**A.04-02-026 (PHC)** - Application of Southern California Edison Company (U 338-E) for Authorization: (1) to Replace San Onofre Nuclear Generating Station Unit Nos. 2 & 3 (SONGS 2 & 3) Steam Generators; (2) Establish Ratemaking for Cost Recovery; and (3) Address Other Related Steam Generator Replacement Issues,  
**Commission Courtroom, San Francisco**
- 5/18/04**  
10:00 a.m.  
ALJ Prestidge  
Comr Lynch  
**C.04-01-020 (EH)** - Almond Tree Hulling Co.; Arakelian Farms; Baugher Ranch; Beretta Property Management; Campos Brothers Farms; Central California Almond Growers Association; Central Valley Almond Association, Inc.; CF Koehen & Sons, Inc.; Dairyland Hullers; Farmers Cooperative; Harriet Baldwin; Harris-Woolf Almond Huller; Hashem Naraghi; Hilltop Circle L. Ranch; James M. Paiva; James R. Lewis Orchards Inc.; John Wynn; Minturn Almond Huller Co-OP, Inc.; North State Hulling Co-Op, Inc.; Pacific Almond Co.; Paramount Farms, Inc.; Paramount Farming Company; Parreira Almond Processing Co.; Peter D. Peterson; Stewart and Jasper Orchards; South Valley Farms; Strain Orchards; The Hulling Company, Inc.; TM Duche Nut Co. Inc.; Vernon Paddack; West Valley Hulling/Barry Baker; Xcel Shelling, LLC., Complainants, vs. Pacific Gas and Electric Company, and Does 1 through 100, inclusive, Defendant,  
**Commission Courtroom, San Francisco**  
**(also May 19)**
- 5/18/04**  
10:00 a.m.  
ALJ Thomas  
Comr Wood  
**R.04-01-006 (PHC)** - Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing post-2003 Low-Income Assistance Programs,  
**Commission Courtroom, San Francisco**

- 5/20/04**  
10:00 a.m.  
ALJ Bushey  
Comr Brown  
**I.04.04-002 (PHC)** - In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Stanley King Chee Wong and Xiu Ping Cui, a partnership doing business as K & T Moving Co. and KW Moving, K & T Moving/K.W. Moving Inc., a California corporation, its Agent for Service of Process Stanley King Chee Wong, and ABC Moving, Inc., a California corporation, its President Su Fen Wu and its Manager Stanley King Chee Wong, Applicants/Respondents,  
**Commission Courtroom, San Francisco**
- 5/25/04**  
10:00 a.m.  
ALJ Long  
Comr Wood  
**A.02-12-027 (PHC)** - Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G), and  
**A.02-12-028** - Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M), and  
**I.03-03-016** - Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Gas Company and San Diego Gas & Electric Company,  
**Commission Courtroom, San Francisco**
- 5/25/04**  
10:00 a.m.  
ALJ Simon  
Comr Peevey  
**R.04-01-005 (WS)** - Rulemaking for the Purpose of Amending the Rules of Practice and Procedure to Include the Use of Electronic Mail to Serve Documents in Formal Proceedings before the Commission.  
**Commission Courtroom, San Francisco**
- 5/25/04**  
2:00 p.m. &  
6:00 p.m.  
ALJ Malcolm  
Comr Kennedy  
**A.03-03-043 (PPH)** - In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV: Viejo System Project,  
**Mission Viejo City Hall Council Chamber, 200 Civic Center, Mission Viejo, CA**
- 6/1/04**  
9:00 a.m.  
ALJ Vieth  
Comr Peevey  
**A.03-10-057 (EH)** - In the Matter of the Application of the SOUTHERN CALIFORNIA WATER COMPANY (U 133 W) for an order authorizing it to increase rates for water service in 2004 in its Region 1 Customer Service Areas by \$179,200 or 2.62% in the Arden-Cordova CSA; \$93,400 or 1.98% in the Bay Point CSA; and \$115,900 or 4.55% in the Ojai CSA; and various other relief,  
**Commission Courtroom, San Francisco**  
**(also June 2 - 3)**
- 6/1/04**  
9:30 a.m.  
ALJ Long  
Comr Wood  
**A.02-12-027 (EH)** - Application of SOUTHERN CALIFORNIA GAS COMPANY for authority to update its gas revenue requirement and base rates. (U 904 G), and  
**A.02-12-028** - Application of SAN DIEGO GAS & ELECTRIC COMPANY for authority to update its gas and electric revenue requirement and base rates. (U 902-M), and  
**I.03-03-016** - Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Southern California Gas Company and San Diego Gas & Electric Company,  
**Commission Courtroom, San Francisco**  
**(also June 2 – 4 and June 7 - 11)**
- 6/1/04**  
10:00 a.m.  
ALJ Koss  
Comr Peevey  
**C.03-08-030 (EH)** – County of Los Angeles, Complainant, vs. Union Pacific Railroad Company, Defendant,  
**Commission Courtroom, San Francisco**

- 6/2/04**  
9:30 a.m.  
ALJ Simon  
Comr Kennedy
- A.03-01-013 (EH)** - Application of the Pasadena Avenue Monterey Road Committee for variance of General Order 143B and authority to explore and enter into negotiations for consideration and implementation pursuant to Public Utilities Code (PUC) §§ 1202, 7604 as a pilot project as permitted by SB 1491, and  
**A.03-07-049** - Application of the Pasadena Avenue Monterey Road Committee and City of South Pasadena for Variance of General Order 75-C, and  
**A.03-07-050** - In the Matter of the Application of the City of South Pasadena for Approval of Ordinance 2121 Relating to Limitations of Train Speeds Pursuant to Section 7658 of the California Public Utilities Code,  
**Commission Courtroom, San Francisco**  
**(also June 3 - 4)**
- 6/2/04**  
10:00 a.m.  
ALJ Patrick
- C.04-04-023 (ECP)** - African American CalWorks Coalition, Complainant, vs. SBC Pacific Bell, Defendant,  
**Commission Courtroom, San Francisco**
- 6/2/04**  
10:00 a.m.  
ALJ Malcolm  
Comr Peevey
- R.03-10-003 (EH)** - Order Instituting Rulemaking to Implement Portions of AB 117 Concerning Community Choice Aggregation,  
**Commission Courtroom, San Francisco**  
**(also June 3 – 4; June 7 – 11; and June 14)**
- 6/7/04**  
10:00 a.m.  
ALJ O'Donnell  
Comr Brown
- R.03-03-017 (EH)** - Order Instituting Rulemaking on the Commission's own Motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D.01-08-040, and  
**I.03-03-018** - Order Instituting Investigation on the Commission's own Motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D.01-08-040, and  
**C.00-01-017** - Robert Hambly, for Himself and, On Behalf of the Residents of Los Robles Mobilehome Park, Complainant, vs. Hillsboro Properties, a California Limited Partnership, and the City of Novato, Defendants,  
**Commission Courtroom, San Francisco**  
**(also June 8 – 11 at 9:30 a.m.)**
- 6/7/04**  
4:00 p.m. &  
7:00 p.m.  
ALJ Walker  
Comr Lynch
- A.04-01-031 (PPH)** - Application of Southern California Edison Company (U 338-E) for Authority to, Among Other Things, Increase Its Authorized Revenues for Gas Service for Santa Catalina Island in 2005, and to Reflect That Increase in Rates,  
**CIRS Golf Course Conference Room, 1 Country Club Road, Avalon, CA**
- 6/8/04**  
10:00 a.m.  
ALJ Galvin  
Comr Peevey
- A.03-12-010 (EH)** - Application of San Diego Gas & Electric Company (U 902 E) for a Finding of Prudence Regarding its Power Procurement Activities, and for Approval of Expenses Recorded to the Electric Resource Recovery Account,  
**Commission Courtroom, San Francisco**  
**(also June 9 at 9:00 a.m.)**
- 6/8/04**  
10:00 a.m.  
ALJ Walker  
Comr Lynch
- A.04-01-031 (EH)** - Application of Southern California Edison Company (U 338-E) for Authority to, Among Other Things, Increase Its Authorized Revenues for Gas Service for Santa Catalina Island in 2005, and to Reflect That Increase in Rates,  
**CIRS Golf Course Conference Room, 1 Country Club Road, Avalon, CA**  
**(also June 9 – 11)**
- 6/9/04**  
10:00 a.m.  
ALJ Patrick
- C.04-04-028 (ECP)** - RNM Properties, Complainant, vs. Pacific Bell Telephone Company, dba SBC California, Defendant,  
**Commission Courtroom, San Francisco**

- 6/10/04**  
10:00 a.m. -  
12:00 p.m.  
ALJ Thorson  
Comr Brown  
**C.03-09-001 (PHC)** - Casmalia Community Services District, Complainant, vs. Unocal Corporation, also known as Casmite Water System, Defendant, and  
**A.03-12-024** - In the Matter of the Application of The Casmite Corporation for a Certificate of Public Convenience and Necessity to Operate a Public Utility System Near Casmalia in the County of Santa Barbara and to Establish Rates for Service,  
**Commission Courtroom, San Francisco**
- 6/14/04**  
9:30 a.m.  
ALJ Duda  
Comr Peevey  
**R.93-04-003 (Verizon UNE Phase) (EH)** - Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Networks, and  
**I.93-04-002** - Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks,  
**Commission Courtroom, San Francisco**  
**(also June 15 - 18)**
- 6/14/04**  
10:00 a.m.  
ALJ Brown  
Comr Lynch  
**A.02-05-046 (EH)** - In the Matter of the Application of Southern California Edison Company (U 338 E) Regarding the Future Disposition of the Mohave Generating Station,  
**Commission Courtroom, San Francisco**  
**(also June 15 – 18; June 21 – 25; and June 28 – 30)**
- 6/14/04**  
10:00 a.m.  
ALJ TerKeurst  
Comr Lynch  
**I.02-11-040 (EH) (Phase I. A)** - Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001, and  
**I.03-02-033** - Order Instituting Investigation Whether San Diego Gas & Electric Company, Southern California Gas Company and Their Holding Company, Sempra Energy, Respondents, Have Complied With Relevant Statutes and Commission Decisions, Pertaining to Respondents' Holding Company Systems and Affiliate Activities,  
**Commission Courtroom, San Francisco**  
**(also June 15 – 18 and June 21 - 25) (Note: June 14 & 21 at 10:00 a.m. and the remaining days at 9:00 a.m.)**
- 6/16/04**  
11:00 a.m.  
ALJ Econome  
Comr Brown  
**I.04-02-008 (TELEPHONIC - PHC)** - In the Matter of the Order Instituting Investigation on the Commission's Own Motion, Notice of Opportunity for To Be Heard, and Order to Show Cause Regarding the Operations and Practices of Arnold Ray Baeza, an Individual Doing Business as Best Movers,  
**Commission Room 5113, San Francisco**
- 6/21/04**  
9:00 a.m. -  
3:00 p.m.  
ALJ Thorson  
Comr Brown  
**C.03-09-001 (EH)** - Casmalia Community Services District, Complainant, vs. Unocal Corporation, also known as Casmite Water System, Defendant, and  
**A.03-12-024** - In the Matter of the Application of The Casmite Corporation for a Certificate of Public Convenience and Necessity to Operate a Public Utility System Near Casmalia in the County of Santa Barbara and to Establish Rates for Service,  
**Commission Courtroom, San Francisco**  
**(also June 22 – 25)**
- 6/23/04**  
11:00 a.m.  
ALJ Econome  
Comr Brown  
**I.04-02-008 (EH)** - In the Matter of the Order Instituting Investigation on the Commission's Own Motion, Notice of Opportunity for To Be Heard, and Order to Show Cause Regarding the Operations and Practices of Arnold Ray Baeza, an Individual Doing Business as Best Movers,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**

- 6/28/04**  
10:00 a.m.  
ALJ TerKeurst  
Comr Lynch  
**I.02-11-040 (EH) (Phase I. B)** - Order Instituting Investigation into the Gas Market Activities of Southern California Gas Company, San Diego Gas and Electric, Southwest Gas, Pacific Gas and Electric, and Southern California Edison and their impact on the Gas Price Spikes experienced at the California Border from March 2000 through May 2001, and  
**I.03-02-033** - Order Instituting Investigation Whether San Diego Gas & Electric Company, Southern California Gas Company and Their Holding Company, Sempra Energy, Respondents, Have Complied With Relevant Statutes and Commission Decisions, Pertaining to Respondents' Holding Company Systems and Affiliate Activities,  
**Commission Courtroom, San Francisco**  
**(also June 29 – July 2 and July 6 – 9)**
- 7/19/04**  
10:00 a.m.  
ALJ Barnett  
Comr Kennedy  
**A.99-04-048 (EH)** - Application of Pacific Gas and Electric Company (U 39 M) for an Order Under Section 851 of the California Public Utilities Code to Sell and Convey Certain Limited Sole-Customer Public Utility Facilities, (U 39 M),  
**Commission Courtroom, San Francisco**  
**(also July 20 at 10:00 a.m.)**
- 7/19/04**  
9:30 a.m.  
ALJ Mattson  
Comr Wood  
**A.00-07-013 (EH)** - Application of Pacific Gas and Electric Company for Review and Recovery of Costs Recorded in the Electric Restructuring Costs Account (ERCA) for 1999 and Forecast for 2000 and 2001. (U 39 E),  
**Commission Courtroom, San Francisco**  
**(also July 20 – 23)**
- 7/20/04**  
9:00 a.m.  
ALJ Reed  
Comr Lynch  
**A.99-03-025 (EH)** - In the Matter of the Application of Roseville Telephone Company (U 1015 C) to Review Its New Regulatory Framework,  
**Commission Courtroom, San Francisco**  
**(also July 21 – 22)**
- 8/23/04**  
10:00 a.m.  
ALJ O'Donnell  
Comr Brown  
**A.04-01-009 (EH)** – Application of Pacific Gas and Electric Company (U 39 E) for authority to increase revenue requirements to recover the costs to replace steam generators in Units 1 and 2 of the Diablo Canyon Power Plant,  
**Commission Courtroom, San Francisco**  
**(also August 24 – 27 and September 7 – 10) (Note: August 23 & September 7 at 10:00 a.m. and the remaining days at 9:30 a.m.)**
- 9/27/04**  
10:00 a.m.  
ALJ McKenzie  
Comr Lynch  
**I.00-03-001 (EH)** - Investigation into the operations and practices of Qwest Communications Corporation, et al. in concerning compliance with Statutes, Commission decisions, and other requirements applicable to the utility's installation of facilities in California for providing Telecommunications service,  
**Commission Courtroom, San Francisco**  
**(Also September 28 – October 1 and October 4 – 6)**
- 10/19/04**  
10:00 a.m.  
ALJ Galvin  
Comr Kennedy  
**A.03-12-008 (EH)** - In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing treatment of net proceeds from real property sales as subject to Public Utilities Code § 790 and for establishment of memorandum accounts to record net sales proceeds,  
**Commission Courtroom, San Francisco**  
**(also October 20)**

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#### NOTICE OF DENIAL OF REQUEST FOR EX PARTE MEETING

*On September 20, 1996, the Commission adopted Resolution ALJ 169 regarding the "Filing of Notice of Denial of Request for Ex Parte Meeting." The resolution implements an interim procedure whereby a party whose written request for an ex parte meeting with a Commissioner has been denied will be allowed to file a notice of such denial. Copies of Resolution ALJ 169 are available from the Commission's Central Files Office at 505 Van Ness Avenue, Room 2002, San Francisco; telephone (415) 703-2045. Copies of tendered notices are available in the Central Files Office for review and/or*



*reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.*

NONE

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**NOTICE OF ALL-PARTY MEETINGS (PU Code § 1701.3(c))**

NONE

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**NOTICE OF EX PARTE COMMUNICATIONS**

*Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.*

4/29/04	R93-04-003	Commission Order Instituting Rulemaking on Commission's own motion to govern open access to bottleneck services and establish a framework for network architecture development of dominant carrier networks and
	I93-04-002	Commission Order Instituting Investigation on the Commission's own motion into open access and network architecture development of dominant carrier networks.
	R95-04-043	Rulemaking on the Commission's own motion into competition for local exchange service and
	I95-04-044	Investigation on the Commission's own motion into competition for local exchange service.

**Summary:** On April 27, 2004, Darlene Clark, Senior Attorney for AT&T Communications of California, Inc. (AT&T), met with Lester Wong, advisor to Pres. Peevey, in San Francisco. Also present were Josh Thieriot, Case Manager for Pac-West Telecomm, Inc. (Pac-West), Robert Munoz, Manager of Regulatory Affairs for MCI, Inc. (MCI), and Jeff Compton, Vice President of Carrier Relations for Telscape Communications, Inc. (Telscape). The representatives of AT&T, MCI, Pac-West, and Telscape requested that the Commission deny Pacific Bell Telephone Company dba SBC California's Petition to Modify D02-09-050 by Suspending Doubling Mechanism in Performance Incentive Plan.

**Filer:** MCI, Inc.; AT&T Communications of California, Inc.; Pac-West Telecomm, Inc.; and Telscape Communications, Inc.

**Contact:** Trine Izing

**Voice:** (415) 228-1245

**Fax:** (415) 228-1094

4/29/04	A02-01-036	Joint Application of California-American Water Company (U 210-W), a California corporation, RWE Aktiengesellschaft, a corporation organized under the laws of the Federal Republic of Germany, Thames Water Aqua Holdings GmbH, a corporation organized under the laws of the Federal Republic of Germany, Thames Water Plc, a corporation organized under the laws of the United Kingdom and Wales, and Apollo Acquisition Company, a Delaware corporation, for an order Authorizing Apollo Acquisition Company to merge with and into American Water Works Company, Inc., resulting in a change of control of California-American Water Company, and for such related relief as may be necessary to effectuate such transaction.
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**Summary:** On April 26, 2004, Edward W. O'Neill, outside counsel for the County of Santa Cruz (County), met with Cmmr. Kennedy in San Francisco. Also present was Timothy Sullivan, advisor to Cmmr. Kennedy, and Mark W. Stone, Supervisor, for the County. Stone stated that California-American Water Company (Cal-Am) currently charges Felton ratepayers significantly more than the neighboring San Lorenzo Valley Water District (SLVWD) and there is no good reason apparent to residents of the community for this discrepancy. Stone noted that if the ALJ Proposed Decision (PD) is approved, rates in the Felton District will increase further. Stone also stated that RWE Aktiengesellschaft (RWE), Thames Water Aqua Holdings GmbH (Thames), American Water Works Company Inc. (AWW), and Cal-Am promised that significant benefits and savings would be achieved through AWW's acquisition of Citizens' facilities and RWE's subsequent acquisition of AWW, but they have delivered nothing but rate increases. Stone indicated that there is considerable interest within the community in the acquisition of the Felton District by either the SLVWD or the County. Stone stated that if such an acquisition were to be made, service could be provided at significantly lower cost. Neil stated that the alternate decision (AD) would provide an opportunity for the Commission to address ratepayer concerns regarding high rates through a possible consolidation of districts, but only ensures further proceedings with no certainty of any remedy. O'Neill further stated that the AD, like the PD, would permit RWE, AWW and Cal-Am to evade the commitments they made and conditions the Commission imposed in approving AWW's acquisition of Citizens' facilities and RWE's subsequent acquisition of AWW. O'Neill stated that at a minimum, the AD should be revised to hold RWE and Cal-Am to the commitments they made and to preclude Cal-Am from charging rates in excess of its actual cost of providing service. O'Neill also referred to the County's pending petition to modify D02-12-068 and urged that the Commission hold the petition.

**Filer: County of Santa Cruz**

**Contact: Judy Pau**

**Phone: (415) 276-6587**

4/29/04	A02-09-030	California-American Water Company (U 210-W), for an order Authorizing it to Increase rates for water service in its Sacramento District by \$8,198,700 or 50.77% in the year 2003; and by \$1,955,000 or 8.03% in the year 2004.
	A02-09-031	California-American Water Company (U 210-W), for an order Authorizing it to Increase rates for water service in its Larkfield District by \$512,800 or 33.3% in the year 2003; and by \$96,900 or 4.72% in the year 2004.
	A02-09-032	California-American Water Company (U 210-W), for an order Authorizing it to Increase rates for water service in its Felton District by \$410,200 or 56.62% in the year 2003; by \$101,200 or 8.86% in the year 2004; and by \$31,000 or 2.29% in the year 2005.
	A02-09-033	California-American Water Company (U 210-W), for an order Authorizing it to Increase rates for water service in its Montara District by \$234,200 or 18.69% in the year 2003; by \$38,200 or 2.57% in the year 2004; and by \$45,000 or 2.95% in the year 2005.

**Summary:** On April 26, 2004, Edward W. O'Neill, outside counsel for the County of Santa Cruz (County), met with Cmmr. Kennedy in San Francisco. Also present was Timothy Sullivan, advisor to Cmmr. Kennedy, and Mark W. Stone, Supervisor, for the County. Stone stated that California-American Water Company (Cal-Am) currently charges Felton ratepayers significantly more than the neighboring San Lorenzo Valley Water District (SLVWD) and there is no good reason apparent to residents of the community for this discrepancy. Stone noted that if the ALJ Proposed Decision (PD) is approved, rates in the Felton District will increase further. Stone also stated that RWE Aktiengesellschaft (RWE), Thames Water Aqua Holdings GmbH (Thames), American Water Works Company Inc. (AWW), and Cal-Am promised that significant benefits and savings would be achieved through AWW's acquisition of Citizens' facilities and RWE's subsequent acquisition of AWW, but they have delivered nothing but rate increases. Stone indicated that there is considerable interest within the community in the acquisition of the Felton District by either the SLVWD or the County. Stone stated that if such an acquisition were to be made, service could be provided at significantly lower cost. Neil stated that the alternate decision (AD) would provide an opportunity for the Commission to address ratepayer concerns regarding high rates through a

possible consolidation of districts, but only ensures further proceedings with no certainty of any remedy. O'Neill further stated that the AD, like the PD, would permit RWE, AWW and Cal-Am to evade the commitments they made and conditions the Commission imposed in approving AWW's acquisition of Citizens' facilities and RWE's subsequent acquisition of AWW. O'Neill stated that at a minimum, the AD should be revised to hold RWE and Cal-Am to the commitments they made and to preclude Cal-Am from charging rates in excess of its actual cost of providing service. O'Neill also referred to the County's pending petition to modify D02-12-068 and urged that the Commission hold the petition.

**Filer: County of Santa Cruz**

**Contact: Judy Pau**

**Phone: (415) 276-6587**

**Summary:** On April 26, 2004, Paul Townsley, President of California-American Water Company (Cal-Am), met with Cmmr. Kennedy in San Francisco. Also present were Tim Sullivan, advisor to Cmmr. Kennedy, Bob Bloor, Vice President of Finance, David Stephenson, Director of Rates and Planning, and Lenard Weiss of Steefel Levitt & Weiss, counsel, for Cal-Am. Cal-Am discussed the serious ramifications of the continued delays in obtaining a final decision both in terms of the economic harm to the company and the implications for the next scheduled general rate cases for the Company's Sacramento and Larkfield Districts; the changes found in Cmmr. Kennedy alternate proposed decision relating to deferral of new rates for the Felton District and the obligation of Applicant's to file a new application within 90 days to seek authority to consolidate its Felton and Monterey Districts; concerns about the proof of savings related to the RWE acquisition in terms of their quantification, timing and flow through to ratepayers; and comparability of Applicant's Felton District rates to those of surrounding utilities.

**Filer: California-American Water Company**

**Contact: Lori Anne Dolqueist**

**Phone: (415) 788-0900**

4/29/04	A03-11-011	In Touch Communications, Inc. and Inflexion California Communications Corp., for the sale and purchase, respectively, of the customer base, operating authorities and other assets of In Touch Communications, Inc.
	A03-11-013	Inflexion California Communications Corp., for a certificate of public convenience and necessity to provide resold and limited facilities-based competitive local exchange service throughout the service territories of SBC California, Inc., Verizon California Inc., Roseville Telephone Company, and Citizens Telecommunications Company of California, Inc.; and resold and facilities-based interexchange service.

**Summary:** On April 28, 2004, John Clark of Goodin, MacBride, Squeri, Ritchie, and Day, LLP, representing Inflexion California Communications Corp. (Inflexion), met with Lester Wong, advisor to Pres. Peevey, in San Francisco. Copies of resumes (attached to the notice) of Inflexion's founders were used. Clark described the errors that are set forth in the pending draft decision, as outlined in Inflexion's filed-comments. Clark explained the circumstances in 1998-1999 that gave rise to action taken by the Pennsylvania Public Utility Commission against Ntegrity Telecontent Services, Inc., a company whose co-founders included two members of Inflexion's current management team and for which those two individuals were executive officers. Clark asked that the Commission grant the applications, either as requested, or, if deemed necessary, with reporting conditions to satisfy any concerns the Commission might have with on-going compliance. At the very least, Clark explained, Inflexion should be provided with a fair opportunity to be heard.

**Filer: Inflexion California Communications Corp.**

**Contact: Cynthia Addad**

**Phone: (415) 392-7900**

**Summary:** On April 29, 2004, John Clark of Goodin, MacBride, Squeri, Ritchie, and Day, LLP, representing Inflexion California Communications Corp. (Inflexion), delivered substantively-identical letters (a copy attached to the notice) to Cmmr. Kennedy, Timothy Sullivan, advisor to Cmmr. Kennedy, Lester Wong, advisor to Pres. Peevey, and Robert Wullenjohn, advisor to Cmmr. Brown. The letters each transmitted a copy of a February 2002 Washington Post magazine article describing the competitive playing field at the time that Ntegrity Telecontent Services, Inc., a company whose co-founders included two members of Inflexion's current management team, was attempting to operate. In the letter, Clark

explains that the purpose of the letter is to provide background context for problems suffered by Ntegrity that led to its cessation of operations and inability to fund a continued defense to action taken by the Pennsylvania Commission against it.

**Summary:** On April 26, 2004, Keith Machen, Vice President of Inflexion California Communications Corp. (Inflexion), met with Cmmr. Kennedy in San Francisco. Also present were Timothy Sullivan, advisor to Cmmr. Kennedy, and John Clark of Goodin, MacBride, Squeri, Ritchie, and Day, LLP, representing Iflexion. Subsequent to the meeting, copies of resumes (attached to the notice), previously filed comments, and the Pennsylvania Public Utility Commission's (PPUC) order were sent electronically to Cmmr. Kennedy. Machen and Clark described the errors that are set forth in the pending draft decision. Clark and Machen explained the circumstances in 1998-1999 that gave rise to action taken by the PPUC against Ntegrity Telecontent Services, Inc., a company whose co-founders included two members of Inflexion's current management team and for which those two individuals were executive officers. Machen and Clark asked that the Commission grant the applications, as requested, or, at the very least, provide Inflexion with a fair opportunity to be heard.

**Filer: Inflexion California Communications Corp.**

**Contact: Cynthia Addad**

**Phone: (415) 392-7900**

**Summary:** On April 26, 2004, Keith Machen, Vice President of Iflexion California Communications Corp. (Inflexion), met with Robert Wullenjohn, advisor to Cmmr. Brown, in San Francisco. Also present was John Clark of Goodin, MacBride, Squeri, Ritchie, and Day, LLP, representing Inflexion. Machen and Clark described the errors that are set forth in the pending draft decision. Clark and Machen explained the circumstances in 1998-1999 that gave rise to action taken by the Pennsylvania Public Utility Commission against Ntegrity Telecontent Services, Inc., a company whose co-founders included two members of Inflexion's current management team and for which those two individuals were executive officers. Machen and Clark asked that the Commission grant the applications, as requested, or, at the very least, provide Inflexion with a fair opportunity to be heard.

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